

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL
VIRTUAL ZOOM WEBINAR MEETING**

MINUTES

Tuesday, July 14, 2020

- A. The meeting was called to order by President Hartley-Nagle at 7:57 p.m.
A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

Roll Call

Present

William J. Bell
David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the June 23, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Mr. Carter announced that he will move to table Ordinances 20-075 and 20-076 but would like to hear public comment before tabling.
- Mr. Bell announced that he will move to table Substitute No. 1 to Ordinance 19-116.

D. Introduction of Ordinances:

20-077: AMEND THE GRANTS BUDGET: APPROPRIATE \$205,375 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2021, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

20-078: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE \$30,000 FROM THE STATE OF DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SERVICES FOR AGING AND ADULTS WITH PHYSICAL DISABILITIES TO THE ABSALOM JONES SENIOR CENTER-VIRTUAL SOCIAL ACTIVITIES PROGRAM GRANT WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

20-079: AMEND THE GRANTS BUDGET: APPROPRIATE \$1,582,960 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM DESIGNATED AS ESG-CVII TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES TO RESPOND TO THE CORONAVIRUS PANDEMIC. Introduced by: Mr. Hollins, Ms. Diller

20-080: AMEND THE FY2020 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier

20-081: TO DECLARE SURPLUS CERTAIN LANDS OF NEW CASTLE COUNTY ASSOCIATED WITH THE NEW CASTLE COUNTY AIRPORT AND TO AUTHORIZE THE

TRANSFER OF LANDS TO THE STATE OF DELAWARE FOR A PUBLIC PURPOSE.

Introduced by: Mr. Smiley

20-082: AMEND THE FY2021 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING, BY THREE TEMPORARY GRANT POSITIONS. Introduced by: Mr. Hollins, Ms. Diller

E. Reports from Select and Special Committees:

- Councilwoman Kilpatrick reported that the Land Use Committee met on 7/7/20 and discussed items on tonight's agenda.
- Councilman Bell reported that the Public Safety Committee met on 7/14/20 and discussed an item on tonight's agenda, received an update on Emergency Communications/911 Center response to Covid-19, call volume, and call processing times, received an update on Paramedics, and received and update on NCCPD's police academy, directives (Use of Force policies), ban of Chokehold policy, and Duty to Intervene policy.
- Councilman Cartier reported that the Finance Committee met on 7/14/20 and discussed items on tonight's agenda, received a presentation on the County's pension plan, received a presentation on the CARES Act funding and spending, and reviewed grant requests.

F. Consent Calendar:

- **R20-147: TRUTH AND RECONCILIATION HEARINGS ON RACISM IN DELAWARE "DELAWARE IS FREEDOM'S FIRST STATE. WILMINGTON IS FREEDOM'S FIRST CITY." Introduced by: Mr. Hollins**
- **R20-148: HONORING AND CELEBRATING THE LIFE AND LEGACY OF MARGARET BRICE JOHNSON. Introduced by: Ms. Hartley-Nagle**

Consent Calendar—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

G. Presentations: None

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions:

- **R20-149: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR COGSDALE CORPORATION FOR THE RENEWAL OF ANNUAL MAINTENANCE AND SOFTWARE LICENSING FEE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$138,421.42. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R20-149 be read by title only and placed before Council for its consideration.

Resolution 20-149—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **R20-150: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR N. HARRIS CORPORATION FOR THE RENEWAL OF ANNUAL MAINTENANCE OF CASHIERING SOFTWARE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$54,455.15. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R20-150 be read by title only and placed before Council for its consideration.

Resolution 20-150—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **R20-151: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR THE STATE OF DELAWARE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR ANIMAL CONTROL SERVICES AS MANDATED BY THE STATE OF DELAWARE FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$1,607,178.71. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R20-151 be read by title only and placed before Council for its consideration.

Resolution 20-151—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Street, Tackett, Woods

No: Smiley

- **R20-152: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR THE STATE OF DELAWARE DIVISION OF COMMUNICATION FOR THE YEARLY MAINTENANCE CONTRACT FOR VOLUNTEER FIRE SERVICE AND FIRST RESPONDER PAGING ALERT SYSTEM FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$67,002.49. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R20-152 be read by title only and placed before Council for its consideration.

Resolution 20-152—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **R20-153: PLAN OF BLACKSTON COVE; APPOQUINIMINK HUNDRED; WEST SIDE OF SUMMIT BRIDGE ROAD, APPROXIMATELY 2,000 FEET SOUTH OF NOXONTOWN ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO SUBDIVIDE PARCEL 14-006.00-012 TO CREATE FOURTEEN (14) SINGLE FAMILY DWELLING LOTS; SR ZONING; APPLICATION NO. 2016-0233; COUNCIL DISTRICT 6. Introduced by: Mr. Carter**

--It was moved and seconded that R20-153 be read by title only and placed before Council for its consideration.

Resolution 20-153—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **R20-154: IN OPPOSITION TO CRODA INC.'S PERMIT APPLICATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO EXPAND PRODUCTION AT CRODA'S ATLAS POINT FACILITY. Introduced by: Mr. Street, Mr. Carter, Ms. Hartley-Nagle**

--It was moved and seconded that R20-154 be read by title only and placed before Council for its consideration.

--Public comment: Dan McDermott, Dustyn Thompson, Mike Matthews, Larry Lambert, Dora Williams

--Council President Hartley-Nagle asked to be added as a co-sponsor.

Resolution 20-154—Adopted

Yes: Bell, Carter, Diller, Durham, Hartley-Nagle, Hollins, Smiley, Street

Present: Cartier

No: Kilpatrick, Sheldon, Tackett, Woods

I. Consideration of Ordinances:

- **°20-072: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES AND THE PAY PLAN AND RATES FOR CLASSIFIED SERVICE 40 HOUR WORK WEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that °20-072 be read by title only and placed before Council for its

consideration.

--Public Comment: Mr. Barnett

Ordinance 20-072—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **°20-073: AMEND THE GRANTS BUDGET: APPROPRIATE \$375,000 TO THE CONTRACTED POLICE DUTY REVOLVING FUND, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °20-073 be read by title only and placed before Council for its consideration.

Ordinance 20-073—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Tackett, Woods

Not voting: Street

- Mr. Carter moved to have ordinances 20-075 and 20-076 considered together. The motion was seconded and approved.
- **°20-075: AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) TO BAN THE USE OF KNEE HOLDS, CHOKEHOLDS, AND SIMILAR PROCEDURES AS A METHOD OF RESTRAINT OR USE OF FORCE PROCEDURE. Introduced by: Mr. Carter, Mr. Hollins, Mr. Street, Ms. Durham**
- **°20-076: AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) REGARDING NEW CASTLE COUNTY POLICE OFFICERS AND THE DUTY TO INTERVENE AND REPORT IN RELATION TO UNAUTHORIZED OR EXCESSIVE USE OF FORCE. Introduced by: Mr. Carter, Mr. Hollins, Mr. Street, Ms. Durham**

--It was moved and seconded that °20-075 and °20-076 be read by title only and placed before Council for its consideration.

--Public comment: Mike Matthews, Dustyn Thompson, Larry Lambert, Adriana Bohm, Dora Williams

--Mr. Carter moved to table °20-075 and °20-076. The motion was seconded and approved.

Ordinance 20-075 and 20-076—Tabled

- **°19-009: REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED, EAST SIDE OF NORTH OLD BALTIMORE PIKE, DIRECTLY ACROSS FROM BROWN’S LANE; 0 NORTH OLD BALTIMORE PIKE, TAX PARCEL NO. 09-030.00-110, 12.97 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO ST (SUBURBAN TRANSITION) (The Exploratory Major Land Development Plan for **Eagle Hunt** proposes to rezone the property to ST for development of 24 townhouse lots on 12.97 acres. **2018-0581-S/Z.**) Introduced by: Mr. Woods**

--It was moved and seconded that °19-009 be read by title only and placed before Council for its consideration.

--Pam Scott, attorney for the applicant, gave a presentation, spoke, and answered questions.

--Public comment: Seta Sorenson, Dennis Matoes, Judy Jennings, Chanel Cole, Richard Lewis, Theresa Warren

--Rich Hall, General Manager of the Department of Land Use, spoke.

--Antoni Sekowski, Department of Land Use, spoke.

Ordinance 19-009—Defeated

Bell: No, based on the input of the community.

Carter: No, based on his belief that the plan does not meet the requirements of the comprehensive code.

Cartier: Yes, based on the conditional approval of the Department of Land Use.

Diller: No, based on the concerns of the community.

Durham: No, based on the rezoning inconsistency with the surrounding community and based on community feedback.

Hartley-Nagle: No, based on the input from the community, the negative recommendation from half of the Planning Board and because it does not fit with the character of the historic community.

Hollins: No, based on the community's concerns.

Kilpatrick: Yes, based on the standards of rezoning.

Sheldon: Yes, based on the recommendation of the Department of Land Use.

Smiley: Yes, based on the recommendation of the Department of Land Use.

Street: No, based on the inconsistency with the surrounding community, concerns about detracting from the historical value, concerns about traffic, and concerns about flooding.

Tackett: Yes, based on the recommendation of the Department of Land Use.

Woods: No, based on the recommendation of the community.

- **SUBSTITUTE NO. 1 TO °19-116 : TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 4 (“PENSIONS”), RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM, THE COUNTY EMPLOYEES’ PENSION PLAN AND THE COUNTY 2011 PENSION PLAN TO PROVIDE FOR SERVICE RETIREMENT ANNUITY AFTER TWENTY-FIVE YEARS OF CREDITED SERVICE FOR EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES AND PROVIDING FOR INCREASED EMPLOYEE CONTRIBUTIONS FROM EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that Substitute No. 1 to °19-116 be read by title only and placed before Council for its consideration.

--Mr. Bell moved to table Substitute No. 1 to °19-116. The motion was seconded and approved.

--Public comment: Saul Polish

- **°19-120: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), SECTION 40.31.120 (“TEXT AMENDMENTS”) REGARDING CERTAIN PROPOSED TEXT AMENDMENTS. Introduced by: Mr. Carter, Ms. Hartley-Nagle**

--It was moved and seconded that °19-120 be read by title only and placed before Council for its consideration.

--Ms. Hartley-Nagle requested to be added as a co-sponsor.

--Rich Hall, General Manager of the Department of Land Use, spoke.

Ordinance 19-120—Adopted

Yes: Bell, Carter, Cartier, Durham, Hartley-Nagle, Hollins, Sheldon, Smiley, Street, Woods

No: Diller, Kilpatrick, Tackett

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R20-155: COMMENDING GEORGE E. EVANS, ESQUIRE FOR THIRTY-SEVEN YEARS OF DISTINGUISHED SERVICE TO THE CHRISTINA SCHOOL DISTRICT. Introduced by: Mr. Street, All of Council**

--It was moved and seconded that R20-155 be read by title only and placed before Council for its consideration.

--All of Council was added as a co-sponsor.

Resolution 20-155—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Henry Miller: 4158 Kirkwood – St. Georges Rd. issues and asked about property tax reduction due to Covid-19.

- Mr. Bell responded.
- Saul Polish spoke regarding Covid-19 and hazard pay.

M. Motion to Adjourn

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded, and the meeting was adjourned at 10:48 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Aide.